

UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
DISTRICT OF HAWAII
300 ALA MOANA BLVD C-338
HONOLULU HI 96850

SUE BEITIA
CLERK

TELEPHONE
(808)541-1300
FAX 541-1303

INSTRUCTIONS FOR CIVIL APPEALS

TO COUNSEL OF RECORD OR PRO SE:

In order to properly prepare the record on appeal, the following instructions must be followed.:

I. PAYMENT OF THE FILING & DOCKET FEES.

- A. The U.S. District Court Filing Fee of \$5.00 and the Ninth Circuit Court of Appeals Docket Fee of \$450.00 are both due upon the filing of the Notice of Appeal.
- B. One check, in the amount of \$455.00 should be made payable to the Clerk, U.S. District Court.
- C. All appeals are subject to dismissal for failure to pay or the docket fee. (Does not apply to cases in which the appellant has been granted leave to proceed in forma pauperis.)
- D. Upon the filing of the Notice of Appeal, a copy of the District Court docket sheet will be sent to all parties.

II. ORDER THE REPORTER'S TRANSCRIPT.

- A. The Appellant is required to use the "Transcript Designation and Ordering" form (available @ www.hid.uscourts.gov). This form will be sent to the Appellant upon the filing of the Notice of Appeal. Instructions for the preparation of this form will be sent to both the appellant and the appellee.

III. CERTIFICATE OF RECORD.

- A. After the designated transcripts are filed, the U.S. District Court will fill out section "D" of the "Transcript Designation and Ordering" form (which is the Certificate of Record) and file it with the Ninth Circuit Court of Appeals. A copy of the Certificate of Record will be sent to all parties.
- B. The Ninth Circuit Court of Appeals, upon receipt of the Certificate of Record, will notify all parties of the briefing schedule.

ADDITIONAL INSTRUCTIONS
FOR TRANSCRIPT DESIGNATION AND ORDERING FORM

In addition to the specific instructions included on the enclosed form, the following guidelines are offered:

- (1) This form is sent to the appellant and appellee upon the filing of the notice of appeal.
- (2) Unless the parties have agreed on which portions of the transcript to order, or appellant intends to order the entire transcript, appellant shall serve appellee with a notice specifying which portions of the transcript appellant intends to order from the court reporter, as well as a statement of the issues the appellant intends to present on appeal. In the alternative, appellant shall serve on appellee a statement indicating that appellant does not intend to order any transcripts. This notice and statement shall be served on appellee within 10 days of the filing of the notice of appeal or within 10 days of the entry of an order disposing of the last timely filed motion of a type specified in FRAP 4(a)(4). (Circuit Rule 10-3.1(a))
- (3) The appellee should notify the appellant of any further designations, following the appropriate rule, i.e. within 10 days of the service date of appellant's initial notice.
- (4) If the appellant is unable to contact the appellee or does not receive any response within the time prescribed, this information should be noted on the designation form.
- (5) The appellant should then complete the enclosed Transcript Designation and Ordering Form and file the original with the District Court Clerk's Office. Send a copy to the court reporter(s), (in cases involving multiple reporters, serve a copy to each reporter), and to opposing counsel. This should be done within thirty (30) days from the filing of the notice of appeal. (Note: the appellant should complete and file the enclosed form even if the designated transcripts are already on file. A notation to that effect should be noted on the enclosed form).

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To Counsel of Record:

Enclosed is a revised copy of the Transcript Designation and Ordering Form.

Please refer to the enclosed copy of the docket sheet to determine who the court reporter is for a specific hearing. The name of the court reporter is indicated in the parentheses before the name of the presiding judge at the end of the minutes. Minutes of hearings are designated by EP: for Entering Proceedings.

The court reporters are designated by the following:

DC= Debra Chun	• (808) 541-2061
CT= Cynthia Fazio	• (808) 541-2063
GB= Gloria Bediamol	• (808) 541-2060
KE= Katherine Eismann	• (702) 431-1919
SP= Stephen Platt	• (808) 541-2061 (Debra Chun)
Sharon Ross	• (808) 291-4935
Lisa Groulx	• (808) 225-5701
Ann Matsumoto	• (808) 521-1877
ESR/Tape/CD/FTR= Electronically recorded	• (808) 541-2061

All other court reporters will be listed by their full names.

Original - Filed with the district court

Serve a copy on opposing counsel(s).

Serve a copy on each court reporter.

Make additional photocopies if necessary. Contact court reporter to make further arrangements for payment.

Retain a copy for yourself.

If you have any questions regarding this matter, please feel free to contact the Clerk's Office at (808) 541-1300.

Sincerely,

SUE BEITIA, Clerk

by: /s/

Docket Clerk

Transcript Designation and Ordering Form

U.S. Court of Appeals Case No. _____ U.S. District Court Case No. _____

Short Case Title _____

Date Notice of Appeal Filed by Clerk of District Court _____

SECTION A - To be completed by party ordering transcript

HEARING DATE(s)

COURT REPORTER

PROCEEDINGS(strike portion not desired)

Voir Dire

Opening Statements

Settlement Instructions

Closing Arguments

Jury Instructions

Pre-Trial Proceedings

Other (please specify)

(additional page for designations if necessary)

I do not intend to designate any portion of the transcript and will notify all counsel of this intention.
 As retained counsel(or litigant proceeding in pro per). I request a copy of the transcript and guarantee payment to the reporter of the cost thereof upon demand. I further agree to pay for work done prior to cancellation of this order.
 As appointed counsel I certify that an appropriate order authorizing preparation of the transcript at the expense of the United States has been, or within 5 days hereof will be, obtained and delivered to the reporter. I agree to recommend payment for work done prior to cancellation of this order.

Date transcript ordered _____ Estimated date for completion of transcript _____

Print Name of Attorney _____ Phone Number _____

Signature of Attorney _____

Address _____

SECTION B - To be completed by court reporter

I, _____ have received this designation.
(signature of court reporter)

Arrangements for payment were made on _____
 Arrangements for payment have not been made pursuant to FRAP 10(b).

_____ Approximate Number of Pages in Transcript--Due Date _____

SECTION C - To be completed by court reporter

When the transcript is filed, complete this section and submit to the U.S. district court with the completed transcript. The district court will not file the transcript without this completed form.

Date transcript filed _____ Court Reporter's Signature _____

SECTION D - To be completed by the Clerk

U.S. DISTRICT COURT CLERK: I certify that the record is available in the office of the U.S. District Court.

Sue Beitia
(U.S. District Court Clerk)

(date)

BY:

DEPUTY CLERK

INSTRUCTIONS FOR TRANSCRIPT DESIGNATION AND ORDERING FORM

INSTRUCTIONS FOR ATTORNEYS

- (1) Complete Section A, place additional designations on blank paper if needed.
- (2) File Original with the district court.
- (3) Serve a copy on opposing counsel(s). Make additional photocopies if necessary.
- (4) Serve a copy on each court reporter. (Make additional copies if necessary.) Contact court reporter(s) to make further arrangements for payment.
- (5) Continue to monitor progress of transcript preparation.

INSTRUCTIONS FOR COURT REPORTER

Be sure to notify the court of appeals if suitable arrangements are not made and you do not intend to commence preparation of the transcript.

- (1) When designation is received, contact the attorney regarding payment.
- (2) Complete section B and send to court of appeals in compliance with FRAP 11(b).
- (3) Complete section C and send to the district court upon completion of the transcript(s).

INSTRUCTIONS FOR THE CLERK

Section D (Certificate of Record) should be completed and transmitted to the court of appeals by the district court clerk when transcripts are filed and the record is complete in the district court.